



RECEIVED

JUN 24 1997

GROUP 3500

**PETITION, DECLARATION AND POWER OF ATTORNEY  
FOR CONTINUATION-IN-PART APPLICATION**

We, Harrison G. Purvis and Lonnie E. Arnold, Jr. declare that we are citizens of the United States of America, whose Post Office and residence addresses are Rt. 1, Box 238D, Holly Springs, North Carolina 27540 and Rt. 9, Box 263-A, Fuquay-Varina, North Carolina 27526; that we have read and understand the foregoing specification and claim and we verily believe that we are the original, first and joint inventors of the design for the TEMPORARY GUARD RAIL SYSTEM AND METHOD OF USING THE SAME described and claimed therein; that this Application Serial No. 08/620,211 filed March 29, 1996 is a continuation-in-part of Application Serial Number 08/755,596 filed April 14, 1995; that as to the subject matter of this Application which is common to said Application Serial Number 08/755,596, we do not know and do not believe that this invention was ever known or used before our invention thereof, or patented or described in any printed publication in any country before our Invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that this invention has not been patented or made subject to an Inventor's Certificate issued before the date of this application in any country foreign to the United States on an application filed by us or our legal representatives or assigns more than twelve months before the filing of this application; that as to the subject matter of the aforesaid United States Patent Application Serial Number 08/755,596, filed April 14, 1995, which is not common to said Application Serial Number 08/620,211, we do not know and do not believe that this invention was ever known or used before our invention thereof, or patented or described in any printed publication in any country before our Invention thereof,

or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that this invention has not been patented or made subject to an Inventor's Certificate issued before the date of this application in any country foreign to the United States on an application filed by us or our legal representatives or assigns more than twelve months before the filing of this application.

We acknowledge our duty to disclose and file in this application information of which we are aware which is material to the examination of this application; in accordance with 37 CFR 1.56(a) and that no application for patent or Inventor's Certificate on this invention has been filed by us or my representatives or assigns in any country foreign to the United States.

We declare further that we are independent inventors and have (1) not assigned, granted, conveyed or licensed this invention, and (2) are under no obligation under contract or law to assign, grant, convey or license any rights in this invention to any person who could not likewise be classified as an independent inventor under 37 CFR 1.9(c) if that person had made this invention, or to any concern which would not qualify as a small business concern or a non-profit organization under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

The undersigned Petitioner declares additionally that all statements made herein of my own knowledge are true and that all statements made on information

and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint John G. Mills of John G. Mills and Associates, whose office is located at 853 Wake Forest Business Park, P. O. Box 587, Wake Forest, North Carolina 27588-0587, Registration Number 20,563, our attorney to prosecute this application and to transact all business in the Patent Office connected therewith.

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in said specification and claims and we verily subscribe our names to the said specification and claims, declaration, power of attorney and this petition.

5/28/97

Date

Harrison G. Purvis

Harrison G. Purvis

5/28/97

Date

Lonnie E. Arnold, Jr.

Lonnie E. Arnold, Jr.